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try, which had given him birth, and the people from whom his ancestry sprung.

Otto Butz represented not only 100 per cent Americanism, but the character and culture which America has drawn from the German race. The community loses by his death, but his influence will not pass. He set an example of loyal citizenship which will not be forgotten by Americans who passed through the ordeal of the war and know what his service was.

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### MEMORIAL OF COLOSTIN D. MYERS, 1847-1920.

BY CHARLES L. CAPEN.

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Colostin D. Myers was born at Racine, Meigs County, Ohio, May 7, 1847, in a small five room cottage standing well back from the Ohio river, in the outer limits of a town, or village of not more than 500 inhabitants. He was descended from a family of early immigrants, his grandfather, Jacob Myers, having been born in eastern Pennsylvania, of Dutch stock. His father, Benjamin Myers, was born in Monongahela, Virginia, now West Virginia, on the 16th day of April, 1813, and died in Pomeroy, Meigs County, Ohio, August 4th, 1851. His father was a skilled mechanic and an ingenious woodworker, having served an apprenticeship as a millwright under his elder brother, John Myers, and at the time of his death was a pattern cutter in a foundry in Pomeroy, Ohio. Judge Myers' mother was born in Meigs County, Ohio, on August 5th, 1820, and died near Palatine, Virginia, October 20, 1894. Her maiden name was Selena Elliott. She was a daughter of Fuller Elliott, a pioneer emigrant from Massachusetts to the Ohio Valley region, who attained local prominence, being at one time judge of a county or inferior court and probably a member of the legislature, as it seems he had something to do with the naming of the county.

The subject of our sketch was four years old at the time of his father's death. His mother remarried a man by the name of William Swearengen, and after the marriage the

family, including Colostin D. Myers, removed to a farm near Palatine, Va., to the home of the stepfather, where the subject of our sketch worked for a number of years upon the farm and in the tan yard, which was a side enterprise of his stepfather. Opportunity for schooling was limited as it was by private subscription that the schools were maintained and that for most part only in the winter season.

In the winter of 1861 or 1862, he attended a term of four months at a private school five or six miles from his home, boarding with a family nearby, from Monday until Friday evening. In the fall of 1863 he attended an academy at Fairmont, the county seat, where he remained for about three months. In the early spring of 1863, being then a lad of sixteen years, he left the home of his stepfather, with a view of returning to Racine, his native home, working for a time for a Mr. Hamilton in order to obtain means for the contemplated journey. It was in March, 1864, that he finally arrived at Racine and, through the influence of friends, secured a position as clerk in a general store in Pomeroy, Ohio, the county seat of Meigs County.

In May, 1864, being then seventeen years of age, he enlisted as a private, in Company K., 140th Ohio National Guard, known as the "One Hundred Day Service," and served for three months, being discharged in September, 1864. He again enlisted in the army in February, 1865, at Cincinnati and was assigned to Co. B., 32nd Ohio Regiment, though he never served with that regiment, which was then with Sherman on his march to the sea and inaccessible at the time of his enlistment. In May, 1865, under general orders from Secretary of War, he, together with 120 others of the detached service at Todds Barracks, was discharged and he returned to the home of his mother in West Virginia.

At broken intervals from 1865 to 1871 Judge Myers attended school at Lebanon, Ohio, replenishing his funds with which to pay his expenses by teaching school and working on the farm, from time to time, finally graduating from the normal school of Lebanon in June, 1872. In September of the

same year he was married to Dora Yeager, who during the previous school year had been in the faculty of the Normal School. Together they undertook the task of making a place for themselves in the world, and establishing a home, and for almost forty-eight years this bride of his early manhood walked by his side, a constant, helpful, faithful and admiring companion. The home life of these splendid people was an ideal of love and confidence and happiness. They parted calmly and confidently when the final summons came, Mrs. Myers remaining behind to cherish the memory of that long and happy union, he going before to explore the unknown country from which no traveler returns, both confident of the hereafter.

Shortly after their marriage Mr. and Mrs. Myers removed to Ann Arbor, Michigan, where he had entered the law school, which at that time covered a two years' course of six months each. During the vacation between the first and second years he made an extended trip into Kansas, Nebraska, Iowa and Illinois, in search of a favorable location where he might enter the practice of his chosen profession. It was upon this trip that he visited Bloomington, Illinois, preferring this city with which he was favorably impressed as being most inviting for a home and for a start in his life work. This choice he never regretted. He always maintained a pride in and a loyalty to his chosen home as is amply demonstrated by the beneficent provisions of his last will and testament. After his visit to Bloomington he returned to Ann Arbor and finished his law course, graduating from that school with the degree of LL. B., in March, 1874. He then removed to Bloomington in April of 1874, where he continued to live until the time of his death. He was admitted to the practice of law in the Michigan courts, in the city of Detroit, and upon this license was admitted, without examination, to practice law in the State of Illinois. In 1875 he formed a partnership with Albert Bushnell, under the firm name of Myers & Bushnell, which continued a few years until Mr. Bushnell removed to Kansas City. Sometime after that he formed a partnership with Isaac W. Stroud, under the firm

name of Myers & Stroud, which partnership continued until the failing health of Mr. Stroud in 1881 caused his retirement. In 1886 Judge Myers was nominated by acclamation and elected County Judge of McLean County, in which capacity he served until 1897, when he was nominated and elected as Judge of this Honorable Court, the Circuit Court of the Eleventh Judicial District, being then as now, composed of the counties of McLean, Ford, Logan, Livingston and Woodford. This position he retained for three successive terms of six years each, and voluntarily retired therefrom in June, 1915. From 1903 to 1909 he was by appointment of the Supreme Court a member of the Appellate Court of the Fourth Judicial District, from which position he likewise voluntarily retired.

Upon his retirement from the Circuit Bench in 1915 it was his hope that he would be enabled to spend much time in travel and to regain in some measure his physical vitality which had been sorely drawn upon by the many years of active service upon the Bench; but it was not long after that in the crisis of the great World War he was called upon by the Governor of his State to serve as a member of the Exemption Board of McLean County. This position he accepted purely from a sense of duty and threw himself so earnestly into the work that there can be no question that his health was undermined and his life shortened thereby, but notwithstanding his failing health he adhered steadfastly to the task assigned to him until he was discharged at the end of the war.

Judge Myers was a man whose traits of heart and mind endeared him to all those who were fortunate enough to come in intimate touch with that splendid spirit.

He was gentle and kind and lovable. He was patient almost beyond measure. No young or inexperienced lawyer practiced before him, but felt the kindly sympathy and received the helpful suggestions of Judge Myers.

He was an able Judge. His eminent fairness and impartiality were matters of common knowledge and comment.

Retiring, not given to parade or ostentation, he lived a simple, quiet, life. He kept himself aloof from business or

social enterprises which he thought might in any way tend to affect his judicial duties.

He kept his own counsel. Friendly to all, he talked confidentially to few. Fortunate indeed was that individual who was permitted to hear from this just man his estimate of human life and the hopes and ambitions that had directed and controlled his course with his fellow men.

He was a genial companion, his conversations were always interesting and instructive, with a thread of good humor running through it all. He was a wise and safe counselor, an upright Judge, an honest man. He was worthy of the trusts committed to him. He was an ornament to the Bench and bar of his State. He contributed richly to the generation in which he lived. The Illinois State Historical Society of which he was an early member will miss his wise counsel and encouragement as well as his friendly words of appreciation of its work.

His going is a distinct loss to this community and to the State. Judge Myers died January 13, 1920.

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RESOLUTIONS OF THE McLEAN COUNTY BAR, IN  
MEMORY OF THE LIFE AND SERVICES OF  
COLOSTIN D. MYERS.

BE IT RESOLVED, That the McLean County Bar Association, in recognition of the eminent services of our departed member and in appreciation of his sterling character and loving companionship, express to the members of his family and the community at large the sorrow and sense of loss that we feel at his going, and that this short sketch and simple tribute be presented by the president of this Association to the Presiding Judge of the Circuit Court of McLean County, where the deceased so long and so faithfully presided, with the request that it be spread at large upon the records of this Court; and further, that the Secretary of this Association send a copy of these resolutions to his widow.

SAIN WELTY,

JESSE E. HOFFMAN,

HAL M. STONE,

*Committee on Resolutions.*